

## **REMARKS**

### **I. Amendments to the Claims:**

Claims 1-3, 5-13, 16, 28-30, 32 and 64-66 are pending in the instant application.

Claims 1-3, 5-6, 9-12, 16 and 32 were amended. Support for the amendments can be found in the original claims and throughout the specification. No new matter has been added.

### **II. Claim Objections**

Claims 1-15, 28-30, 32 and 64-66 stand objected to for containing non-elected subject matter. Applicants have amended the claims so that they fall under Group I as set out in the Restriction Requirement, wherein Z is O, X is NR<sup>5</sup> and R is phenyl or naphthyl. Thus, Applicants respectfully request withdrawal of the objection.

Claim 16 stands objected to for being dependent on a rejected claim. Applicants have amended claim 1 to remove non-elected subject matter and therefore making the objection moot.

Claim 4 stands objected to on the grounds that the definition of R in this claim is neither a proper Markush group nor proper alternative form. Applicants have canceled claim 4 and therefore making this objection moot as well.

Claims 12 and 32 stand objected to for containing typographical errors. Applicants have amended Claims 12 and 32 to correct the typographical errors as reflected in the amended claims set.

### **III. Claim Rejections - 35 U.S.C. § 112, First Paragraph**

Claims 1-15, 28-30, 32 and 64-66 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Applicant respectfully traverses the rejection.

The Examiner considers that the following compounds have been reduced to practice. Compounds of formula (I) wherein:

Optional Substituent to R:	halogen, $\text{NR}^2\text{R}^2$ wherein $\text{R}^2=\text{H}$ or unsubstituted alkyl
$\text{R}'$ : [ <i>sic</i> ] (should be $\text{R}''$ )	H or unsubstituted $\text{C}_{1-6}$ alkyl
$\text{R}^5$ :	H or unsubstituted $\text{C}_{1-4}$ alkyl
Y:	absent, $\text{NR}^6$ , $\text{CR}^6\text{R}^6$ , or $\text{C}_{1-4}$ alkylene wherein $\text{R}^6=\text{H}$ , unsubstituted $\text{C}_{1-4}$ alkyl
$\text{R}'$ :	$\text{C}_{1-12}$ alkyl, $\text{C}_{2-12}$ alkenyl, $\text{C}_{2-12}$ alkynyl, carbocyclyl optionally substituted with halogen, haloalkyl, $\text{C}_{1-12}$ alkyl, $\text{OR}^2$ wherein $\text{R}^2=\text{H}$ or unsubstituted alkyl

Applicants respectfully submit that the present specification also exemplifies compounds of formula (I) wherein  $\text{R}'$  is heterocyclyl or phenyl substituted with heterocyclyl. See, e.g., page 52 of the PCT application, Claim 16, first column & third row and second column & third row.

To expedite the prosecution, Applicants have amended Claims 1-15, 28-30, 32 and 64-66 to recite substituents which are exemplified by the specification. Accordingly, this written description rejection should be withdrawn.

Claims 1-15, 28-30, 32 and 64-66 stand rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. Applicant respectfully traverses the rejection. To expedite the prosecution, however, Applicants have amended Claims 1-15, 28-30, 32 and 64-66 to recite substituents which are exemplified by the specification. Therefore, Applicants respectfully request withdrawal of the enablement rejection.

#### IV. Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claim 11 stands rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Specifically, the Examiner rejects Claim 11 for using both a broad and narrow range for X. Applicants have amended claim 11 to recite that X is NH. Accordingly, Applicants respectfully request a withdrawal of this rejection.

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph as indefinite. Specifically, the Examiner rejects Claim 1 on the ground that the reference to a compound of formula (I) and the pharmaceutically acceptable salts thereof is unclear. Applicants have

amended Claim 1 to recite a compound of formula (I) or the pharmaceutically acceptable salts thereof. Therefore, this rejection should be withdrawn.

Claim 1 also stands rejected under 35 U.S.C. § 112, second paragraph as indefinite. Specifically, the Examiner rejects Claim 1 for using the term of “biohydrolyzable derivatives thereof.” Applicants have amended Claim 1 by deleting this term and therefore making the rejection moot.

**V. Conclusion:**

Applicants believe that the pending claims are in condition for allowance. Accordingly, Applicants respectfully request that the Examiner issue a timely Notice of Allowance.

No fee is believed to be due in connection with this correspondence. If any additional fees are due, however, please charge such fee to our Deposit Account No. 08-0219.

The Examiner is invited to telephone the undersigned at the telephone number given below in order to expedite the prosecution of the Application.

Respectfully submitted,



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